

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

USE OF LIGHT SCATTERING PARTICLES IN DESIGN, MANUFACTURE, AND QUALITY CONTROL OF SMALL VOLUME INSTRUMENTS, DEVICES, AND PROCESSES

(Attorney Docket No. 089498-0601)

the specification of which (check one)

 is attached hereto.

 X was filed on 07/13/2001 as United States Application Number or PCT International Application Number 09/906,580 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

WESLEY B. AMES	Reg. No. 40,893
LEI FANG	Reg. No. 44,676
ANDREW EDWARD GRANSTON	Reg. No. 38,473
LEE HSU	Reg. No. 39,716
BERNARD L. KLEINKE	Reg. No. 22,123
STEPHEN E. REITER	Reg. No. 31,192
RICHARD M. SAN PIETRO	Reg. No. 45,071
STACY L. TAYLOR	Reg. No. 34,842
RICHARD J. WARBURG	Reg. No. 32,327
ARTHUR A. WELLMAN JR.	Reg. No. 47,174
MICHAEL A. WHITTAKER	Reg. No. 46,230
BARRY S. WILSON	Reg. No. 39,431

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.


I request that all correspondence be directed to:


Wesley B. Ames
 FOLEY & LARDNER
 P.O. Box 80278
 San Diego, California 92138-0278

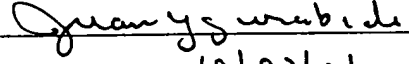
Telephone: (858) 847-6714
 Facsimile: (858) 792-6773

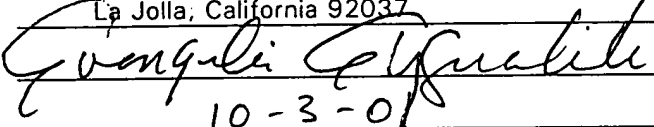
I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Todd Peterson
Residence	Coronado, California
Citizenship	USA
Post Office Address	32 Catspaw Cape Coronado, California 92118
Inventor's signature	
Date	10/3/01

Name of second inventor Laurence Warden
Residence Poway, California
Citizenship US.
Post Office Address 12913 Camino del Valle
Poway, California 92064
Inventor's signature 
Date 10/03/01

Name of third inventor Juan Yguerabide
Residence La Jolla, California
Citizenship US
Post Office Address 9505 Poole Street
La Jolla, California 92037
Inventor's signature 
Date 10/03/01

Name of fourth inventor Evangelina Yguerabide
Residence La Jolla, California
Citizenship US
Post Office Address 9505 Poole Street
La Jolla, California 92037
Inventor's signature 
Date 10-3-01

POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Peterson *et al.*

Application No.: 09/906,580

Group Art Unit: 2877

Filed: July 13, 2001

Examiner: To be Assigned

For: Use of Light Scattering Particles in
Design, Manufacture, and Quality
Control of Small Volume Instruments,
Devices, and Processes

Attorney Docket No.: 11032-019

**REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE
AND STATEMENT UNDER 37 C.F.R. 3.73(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Genicon Sciences Corporation, organized and existing under the laws of the state of California and having a place of business at 11585 Sorrento Valley Road, San Diego, CA 92121 is assignee of record of the entire right, title and interest in the above-identified application.

Ownership of the entire right, title, and interest in the above-identified application by Genicon Sciences Corporation is established by an assignment filed for recordation in the United States Patent and Trademark Office ("USPTO") on October 17, 2001. A copy of the assignment, which was executed on October 3, 2001, is attached hereto as Exhibit A.

Pursuant to 37 C.F.R. 3.73(b), Genicon Sciences Corporation, hereby seeks to take action in the USPTO in this matter.

The undersigned has reviewed all the documents in the title of the patent application identified above and, to the best of undersigned's knowledge and belief, title to the entire interest is in Genicon Sciences Corporation.

The undersigned, whose title is supplied below, is empowered to sign this document on behalf of Genicon Sciences Corporation.


The undersigned assignee hereby revokes all powers of attorney previously given for the above-identified application.

POWER OF ATTORNEY

The undersigned assignee hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the USPTO connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

POWER OF ATTORNEY

Please direct all correspondence for this application to Pennie & Edmonds LLP,
customer no. 20583, located at 1155 Avenue of the Americas, New York, N.Y. 10036-2711,
and direct all telephone calls to Pennie & Edmonds LLP at (212) 790-9090.

ASSIGNEE: Genicon Sciences Corporation
Signature: 
Typed Name: Patrick J. Mallon
Position/Title: President and Chief Executive Officer
Address: 11585 Sorrento Valley Road
San Diego, CA 92121
Date: 3/7/02